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July 21, 2006

HAND DELIVERY; e-filed

The Honorable Joseph J. Farnan, Jr.
United States District Court for the
District of Delaware
844 N. King Street
Lock Box 27
Wilmington, DE 19801

**Re: Toy v. Plumbers & Pipefitters Union, et.al.
C. A. No. 05-00760(JJF); Failure (and refusal)
of defendants' counsel to meet and confer as to
an Agreed-upon Scheduling Order per direction
of Court; Motion to Dismiss filed by Defendants
included no Exhibits that could be entered into
evidence by such a Motion**

Dear Judge Farnan:

Reference is made to the Court's Notice of Order of November 16, 2005, to the parties to meet and confer as to a Scheduling Order pursuant to a Rule 16 scheduling Order with appropriate dates as agreed to by counsel regarding the Court's attached Scheduling Order. A Rule 16 Scheduling Order drafted by Plaintiff's counsel to reflect the Plaintiff's suggested timing of briefing and discovery was submitted December 16, 2005. This submission was not responded to by Defendants' counsel with the declaration in effect that Defendants' counsel was not going to follow the Court's recommendation for the parties to meet and discuss dates and other necessary items to establish a Scheduling Order. To date no contact has been made by Defendants' counsel with Plaintiff's counsel and the matter has been dormant for seven months.

I have enclosed a suggested up-date of the Court's recommended Scheduling Order to use dates that would implement a Schedule on a on a going-forward basis. By copy of this letter, I again suggest to counsel that this proposed set of dates for a Scheduling Order could accommodate the parties'

briefing and discovery submissions so that time is allowed for adequate filing with the Clerk, and submitted to the Court.

Following the previous format, Plaintiff's counsel indicates the dates listed below are acceptable to the Plaintiff:

Paragraph 1 Pre-Discovery Disclosures - September 1, 2006.

Paragraph 2 Joinder of other parties September 15, 2006.

Paragraph 3(a) contention interrogatories, identification of fact witnesses and document production by September 29, 2006.

Paragraph 3(b) maximum of 50 interrogatories each side.

Paragraph 3(c) maximum of 10 requests for admissions by each side.

Paragraph 3(d) maximum of three depositions by Plaintiff(s) and three depositions by Defendants.

Paragraph 3(e) reports from retained experts due from Plaintiff by October 13, 2006, and by Defendants by October 27, 2006.

Paragraph 5 Amendments of Pleadings made by Motion filed on or before November 10, 2006.

Paragraph 6 case dispositive motions to be filed on or before December 10, 2006.

Paragraph 7 Markman Hearing not applicable.

I can only add that Ms. Jane Toy is destitute and is in danger of losing her home because of lack of resources to pay the mortgage and other expenses.

Respectfully submitted,

/s/ John M. Stull

John M. Stull, Esq. (Bar #568)

Counsel for Jane Toy and the Estate of
Russell Toy, Jane Toy, Administratrix

JMS/prs

cc: Timothy J. Snyder, Esq.
Curtis J. Crowther, Esq.
D. Fon Muttamara-Walker, Esq.
Young Conaway Stargatt & Taylor, LLP
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CERTIFICATE OF SERVICE

I, John M. Stull, Esquire, counsel for Plaintiff, hereby certify that on this 21st day of July, 2006, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of Court for the District of Delaware, such as to cause notification as to the availability of viewing same to counsel of record:

Timothy J. Snyder, Esq.
Curtis J. Crowther, Esq.
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/s/ JOHN M. STULL

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Dated: July 21, 2006